

RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE  
GROUP ART UNIT 1631

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AUG 22 2001

In re application of: Wayne A. Hendrickson and Barry Honig

Serial No.: 09/235,986

Examiner: M. Allen

Filed: January 22, 1999

Group Art Unit: 1631

For: PROCESS FOR PAN-GENOMIC DETERMINATION  
OF MACROMOLECULAR ATOMIC STRUCTURES

ASSISTANT COMMISSIONER FOR PATENTS

August 17, 2001

Box AF

Washington, D.C. 20231

S I R:

Transmitted herewith is an amendment to the above-identified application.

  X   Small entity status of this application under  
37 C.F.R. § 1.9 and § 1.27 has been established by  
a verified statement previously submitted.

       A verified statement to establish small entity  
status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.

  X   No additional fee is required

The filing fee is calculated as follows:

	NUMBER AFTER AMEND- MENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		NUMBER OF EXTRA CLAIMS PRESENTED		RATE		FEE	
							SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	12	-	* 20	=	*** 0	X	9	18	=	0
Indepe- n-dent Claims	2	-	** 3	=	*** 0	X	40	80	=	0
Multiple Dependent Claim(s) Presented <u>      </u> Yes <u>  X  </u> No							135	270		0
For First Time:							TOTAL ADDITIONAL FEE \$ 0.00			

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than  
20, write "20" in the this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than  
3, write "3" in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and  
the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than  
"0", write "0" in the space.

Wayne A. Hendrickson and Barry Honig  
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Amendment Transmittal Letter  
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The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment of the number of claims as originally filed.

\_\_\_\_\_ Please charge Deposit Account No. \_\_\_\_\_  
in the amount of \$\_\_\_\_\_.


\_\_\_\_\_ A check in the amount of \$\_\_\_\_\_ is enclosed.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-3125. Three copies of this sheet are enclosed.

X Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.

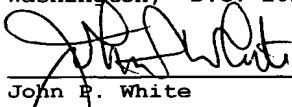
X Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
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(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231.

  
John P. White  
Reg. No. 28,678

8/7/01  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Wayne A. HENDRICKSON and Barry HONIG  
Serial No.: 09/235,986 Examiner: Marianne Allen  
Filed : January 22, 1999 Group Art Unit: 1631  
For : PROCESS FOR PAN-GENOMIC DETERMINATION  
OF MACROMOLECULAR ATOMIC STRUCTURES

1185 Avenue of the Americas  
New York, New York 10006  
August 20, 2001

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**COMMUNICATION**

This Communication is being personally delivered to Primary Examiner Marianne Allen of the United States Patent and Trademark Office along with a photocopy of the Amendment Under 37 C.F.R. § 1.116 In Response To June 18, 2001 Final Office Action which was submitted by applicants on August 17, 2001 by facsimile and by first class mail to the United States Patent and Trademark Office, in connection with the above-identified application.

In a telephone conference on August 2, 2001 between the undersigned and Primary Examiner Allen, the undersigned requested an interview by applicants and applicants' patent attorney in person with Primary Examiner Allen to discuss the June 18, 2001 Final Office Action (and references cited therein) which was issued by the Patent Office in connection with the subject application.

Primary Examiner Allen stated that she very recently was assigned to examine the application, after Jeffrey Lundgren, who had been the Patent Examiner assigned to the application and issued the June 18, 2001 Final Office Action, left the Patent Office.

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Primary Examiner Allen also stated that she had not had a chance to study the subject application nor its file history. Primary Examiner Allen stated that if applicants file a written response to the Final Office Action, rather than conduct an interview, first, it would give her time to study the application and its file history, along with applicants' response.

Primary Examiner Allen further stated that, if applicants submit a written response to the Final Office Action first (i.e. before conducting an interview), she will examine the application in view of applicants' response and the subject application's file history, and take one of the following Examiner actions within the Patent Office rules and guidelines (which provide that a response to a final action should be processed and considered promptly by the Patent Office):

- (a) issue an Advisory Action if applicants' response does not overcome the final rejections of the pending claims; or
- (b) if applicants' response overcomes the final rejections of the pending claims, a further search for relevant art may be conducted and Primary Examiner Allen will either
  - (i) issue a non-final Office Action with rejections based (at least in part) on newly found art, or
  - (ii) issue a Notice of Allowance.

Primary Examiner Allen also stated that if she is not persuaded by applicants' response and issues an Advisory Action which maintains the final rejection of the claims, she will grant applicants an interview, if applicants request one.

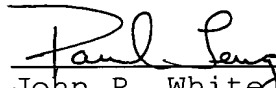
Therefore, applicants' undersigned attorneys request that, after the Examiner has decided on the action to take with respect to the subject application or if an interview would be of assistance

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in advancing prosecution of the application, the Examiner telephone them at the telephone number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul Teng", is written over a horizontal line.

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